

JHK:BWB  
F.#2009R01793

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

STIPULATION AND ORDER

- against -

Cr. No. 10-019 (S-1) (RJD)

ZAREIN AHMEDZAY,

Defendant.

- - - - -X

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. All discovery material produced to the defendant ZAREIN AHMEDZAY (the "defendant") in the above-captioned case specifically identified by the government as containing sensitive material necessitating protection ("the protected discovery material"), any and all copies, notes, transcripts, documents or other information derived or prepared from the protected discovery material, may be used by the defendant and defense counsel only for purposes of trial preparation and for defending at trial against the charges in the above-captioned case;

2. Any and all protected discovery material produced to the defendant by the government and any copies, notes, transcripts or documents derived or prepared from the protected discovery material shall not be further disseminated by the

defendant or defense counsel to any individuals, organizations or other entities, other than members of the legal staff of defense counsel who has signed this Stipulation and Order, without further order of the Court;

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel who have signed this Stipulation and Order, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of the protected discovery material or any copies, notes, transcripts or documents derived or prepared from the protected discovery material except in conformity with this Stipulation and Order;

4. Where the defendant and/or defense counsel wishes to disclose any portion of the protected discovery material or any copies, notes, transcripts or documents derived or prepared from the protected discovery material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

5. None of the protected discovery material nor any copies, notes, transcripts or documents derived or prepared from the protected discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding. Where the defendant and/or defense counsel wishes to attach any portion of the protected discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. Nothing in this Stipulation and Order in any way releases counsel for the government or defense counsel from the obligations of the "Free Press Fair Trial Directives" of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York;

7. Nothing in this Stipulation and Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

8. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the protective discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the protective discovery material unless and until substitute counsel enters into this Stipulation and Order;

9. The defendant and defense counsel will return to the government the protective discovery material and all copies thereof, whether in the possession of the defendant, defense counsel or members of the legal staff of defense counsel who has signed this Stipulation and Order, when the defendant enters a guilty plea, or at the conclusion of the trial of the defendant in this matter, whichever occurs first; and

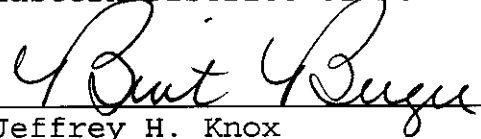
10. Any violation of this Stipulation and Order  
(a) will require the immediate return to the United States of the

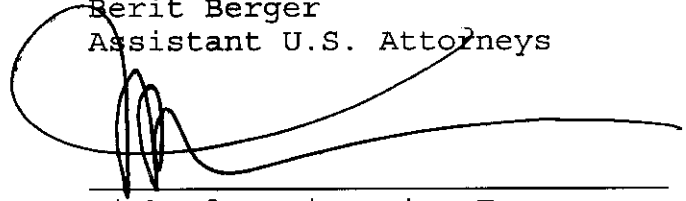
protective discovery material and all copies thereof, and (b) may result in contempt of Court.

Dated: Brooklyn, New York  
February 2, 2010

BENTON J. CAMPBELL  
United States Attorney  
Eastern District of New York


By:

  
Jeffrey H. Knox  
David Bitkower  
James Loonam  
Berit Berger  
Assistant U.S. Attorneys

  
Michael Marinaccio, Esq.  
Attorney for Zarein Ahmedzay

SO ORDERED. /

s/ Judge Raymond J. Dearie

  
THE HONORABLE RAYMOND J. DEARIE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK